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BOB KRUEGER: The wrong way to stop leaks

Last week, the attorney general of the United States, who bears considerable responsibility for protecting the rights of us all while at the same time administering one of the most powerful of all government functions — law enforcement — asked that his employees sign an affidavit stating that they had not disclosed to the press information that he feels should not have been revealed.

People should have no quarrel with the attorney general's attempting to determine the sources of leaks to the news media if he feels the information supplied the media was contrary to the best interest of his department, a particular individual or the nation.

Nor should they quarrel with his demanding loyalty from employees; for loyalty, particularly in matters of law enforcement, is essential to efficiency and is a common denominator that must exist between employee and employer.

Nor need they differ with the attorney general if it is his intent to protect the privacy of persons under investigation by the Justice Department. Premature disclosure of sensitive information can ruin careers, damage reputations and do unnecessary harm. In fact, the loss of privacy is emerging as a major problem besetting our society.

But the attorney general's asking employees actually to sign sworn affidavits is heavy-handed. At minimum, it suggests the possibility of intimidation

Bob Krueger is a Democratic congressman from Texas. Atty. Gen. Griffin Bell's campaign against leaks was touched off by stories in The Star, by Jerry Oppenheimer, about an investigation of possible efforts by organized crime to influence government agencies.

Point of View

and implies distrust of one's employees. And it seems certain to discourage employees from talking to members of the press, a dangerous precedent. I suggest, therefore, that he might re-evaluate how an investigation is conducted into departmental news leaks.

A difficulty with requesting affidavits is that if an employee elects not to sign, he risks the assumption of guilt by his superiors. His usual Fifth Amendment freedoms seem implicitly circumscribed.

How, then can the problem be handled so that a citizen's right to privacy and the right of the people to know are both protected? Probably it is more important to prevent future improper disclosures than to worry over past breaches. If so, the Justice Department can state in writing as a condition of employment its expectation regarding confidentiality of privileged information, and can question directly those thought to have violated proper standards. I have little doubt that a more humane and less intimidating method can be found than to require affidavits from its many employees, and that the employees of the Justice Department can themselves find a method less circumscribing to our accepted traditions regarding free speech.

Our country's traditional tolerance for a free press, from the time of our earliest days as a nation, is preserved as much by habit and custom as by law. It is a tradition worth cherishing, because it has proven so fundamental to our democracy itself. The example set within the Jus-

has played in revelations of wrongdoing in recent cases — Watergate, the conviction and resignation of the former vice president, inappropriate prying and harassing by federal law enforcement people — has made us all appreciate more deeply what these bearers of sometimes bad tidings, the news media, mean to us as a people.

Naturally, we do not always enjoy being confronted with the obvious imperfections of our systems and leaders, though we know that they occur. And of course, if officeholders have been known to crave headlines or to engage in witch-hunting or trivial pursuits, so have the news media.

Still, the essence of intelligent, good reporting depends on the news media's holding no special reverence for anyone, not members of Congress, not the president, not our institutions. A combination of this detachment with an ability to gain access to solid information forms the basis for a daily flow of information to citizens about their government.

The basis for many news "sources" begins with what is now commonly identified as the "leak," the simple process of an individual telling a reporter something so sensitive it cannot be attributed to him. The danger with leaks and with anonymous sources is obvious: Persons may supply information for personal gain or for political profit.

Fortunately, most reporters and editors check and double check rather than rushing into print with everything they are fed. There are instances where injustices are done, where the news media are manipulated by knowledgeable managers of information, these instances are

With Justice Department leaks, we are not facing an unusual practice. During recent investigations of public officials, including the one of former Vice President Agnew, it was the investigators themselves who leaked information to the media, fearing that if public light were not focused on their investigations a corrupt administration would quell their efforts to bring charges of wrongdoing. And we are all aware of the value of leaks in the events culminating with Watergate.

The decision to talk to the news media about sensitive and sometimes even confidential information is one seldom taken lightly. Often the office worker, the clerk or the young lawyer who chooses to go to the media does so because he believes the public has a right to have access to the information at hand, and he believes his obligation to truth and honesty to be more important than an exagger-

ated loyalty to employer, particularly when the employer is a government official sworn to serve the people rather than to subvert. Thus it may require a considerable amount of courage for those who come forth with information to which we all have a right.

Should the attorney general continue in his policy of asking employees to sign affidavits disavowing the passing on of information, he might well be doing not only the nation a disservice, but himself as well.

We all need the advice of others and, like it or not, those of us in government must occasionally receive that information through a public conduit, the news media. Discouraging such transmission of information in a questionable manner through intimidating affidavits can create the very atmosphere that I believe the new administration is